

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
	:	
Plaintiff,	:	
	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY AND KENNETH F.	:	
KACZMAREK,	:	
	:	
Defendants	:	

**METROPOLITAN LIFE INSURANCE COMPANY’S AND DAVID ELMER’S MOTION  
IN LIMINE TO EXCLUDE EXHIBITS 17, 66-77, 79-91, 93**

Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek bring this Motion to Exclude Plaintiff’s Exhibits 22, 66-77, 79-91, and 93.

1. Plaintiff has identified Exhibits 22, 66-77, 79-91, and 93, which concern MetLife’s determination of its dividend scales for various years in the 1980’s and 1990’s. See Ex. A-AA.

2. Plaintiff’s Proposed Exhibits 22, 66-77, 79-91 and 93 should be excluded for the reasons set forth in detail in MetLife’s Brief in Support of its Motion in Limine to Exclude Exhibits 22, 66-77, 79-91, and 93.

WHEREFORE, based on all of the foregoing reasons as well as those set forth in the accompanying brief, defendants respectfully request that this Court bar the introduction of Exhibits 22, 66-77, 79-91, and 93.

Respectfully Submitted,

s/ B. John Pendleton, Jr.

B. John Pendleton, Jr.

McCARTER & ENGLISH, LLP

Four Gateway Center

100 Mulberry Street

Newark, NJ 07102

(973) 622-4444

Attorneys for Defendant

Metropolitan Life Insurance Company

and Kenneth F. Kaczmarek

Dated: October 3, 2006

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 3rd day of October, 2006, a true and correct copy of the foregoing document was served upon the following via the electronic filing system:

Kenneth R. Behrend, Esquire  
BEHREND & ERNSBERGER, P.C.  
Union National Bank Building, 3<sup>rd</sup> Floor  
306 Fourth Avenue  
Pittsburgh, Pennsylvania 15222

s/ B. John Pendleton, Jr.\_\_\_\_\_